ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ಸಂಪುಟ ೧೪೭	ಬೆಂಗಳೂರು, ಗುರುವಾರ, ಸೆಪ್ಟೆಂಬರ್ ೨೦, ೨೦೧೨, (ಭಾದ್ರಪದ ೨೯, ಶಕ ವರ್ಷ ೧೯೩೪)	ಸಂಚಿಕೆ ೩೮

ಭಾಗ – ೪

ಕೇಂದ್ರದ ವಿಧೇಯಕಗಳು ಮತ್ತು ಅವುಗಳ ಮೇಲೆ ಪರಿಶೀಲನಾ ಸಮಿತಿಯ ವರದಿಗಳು, ಕೇಂದ್ರದ ಅಧಿನಿಯಮಗಳು ಮತ್ತು ಅಧ್ಯಾದೇಶಗಳು, ಕೇಂದ್ರ ಸರ್ಕಾರದವರು ಹೊರಡಿಸಿದ ಸಾಮಾನ್ಯ ಶಾಸನಬದ್ಧ ನಿಯಮಗಳು ಮತ್ತು ಶಾಸನಬದ್ಧ ಆದೇಶಗಳು ಮತ್ತು ರಾಷ್ಟ್ರಪತಿಯವರಿಂದ ರಚಿತವಾಗಿ ರಾಜ್ಯ ಸರ್ಕಾರದವರಿಂದ ಪುನಃ ಪ್ರಕಟವಾದ ಆದೇಶಗಳು

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 30 ಕೇಶಾಪ್ರ 2012, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 31ನೇ ಜುಲೈ, 2012.

2012ನೇ ಸಾಲಿನ ಜೂನ್ 20ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ–II ಸೆಕ್ಷನ್ 1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Central Educational Institutions (Reservation in Admission) Amendment Act, 2012 (No. 31 of 2012) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 20th June, 2012

The following Act of Parliament received the assent of the President on the 19th June, 2012, and is hereby published for general information :-

THE CENTRAL EDUCATIONAL INSTITUTIONS (RESERVATION IN ADMISSION) AMENDMENT ACT, 2012

[No. 31 of 2012]

[19th JUNE, 2012]

An Act to amend the Central Educational Institutions (Reservation in Admission) Act, 2006

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows :-

1. **Short title.-**(*1*) This Act may be called the Central Educational Institutions (Reservation in Admission) Amendment Act, 2012.

2. Amendment of section 2.- In section 2 of the Central Educational Institutions (Reservation in Admission) Act 2006 (5 of 2007) (hereinafter referred to as the principal Act), after clause (i), the following clauses shall be inserted, namely :-

'(*ia*) "specified north-eastern region'' means the area comprising of the States of Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, Tripura and the tribal areas of Assam referred to in the Sixth Schedule to the Constitution ;

'(*ib*) "State seats'', in relation to a Central Educational Institution, means such seats, if any, out of the annual permitted strength in each branch of study or faculty as are earmarked to be filled from amongst the eligible students of the State in which such institution is situated ;'.

3. Amendment of section 3. - In section 3 of the principal Act, the following provisions hall be inserted, namely :-

"Provided that the State seats, if any, in a Central Educational Institution situated in the tribal areas referred to in the Sixth Schedule to the Constitution shall be governed by such reservation policy for the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes, as may be specified, by notification in the Official Gazette, by the Government of the State where such institution is situated.

Provided further that if there are no State seats in a Central Educational Institution and the seats reserved for the Scheduled Castes exceed the percentage specified under clause (*I*) or the seats reserved for the Scheduled Tribes exceed the percentage specified under clause (*ii*) or the seats reserved for the Scheduled Castes and the Scheduled Tribes taken together exceed the sum of percentages specified under clauses (*I*) and (*ii*), but such seats are-

(*a*) less than fifty per cent, of the annual permitted strength on the date immediately preceding the date of commencement of this Act, the total percentage of the seats required to be reserved for the Other Backward Classes under clause (*iii*) shall be restricted to the extent such sum of percentages specified under clauses (*I*) and (*ii*) falls short of fifty per cent, of the annual permitted strength ;

(*b*) more than fifty per cent, of the annual permitted strength on the date immediately preceding the date of commencement of this Act, in that case no seat shall be reserved for the Other Backward Classes under clause (*iii*) but the extent of the reservation of seats for the Scheduled Castes and the Scheduled Tribes shall not be reduced in respect of Central Educational Institutions in the specified north-eastern region.''.

4. Amendment of section 4.- In section 4 of the principal Act, clause (*a*) shall be omitted.

5. Amendment of section 5.- In section 5 of the principal Act,-

(*a*) in sub-section (*1*), for the words ``number of such seats available'', the words ``number of such seats available or actually filled, whichever be less,'' shall be substituted ;

(*b*) in sub-section (*2*), for the words ``three years'', the words ``six years'' shall be substituted.

6. Amendment of section 6.- In section 6 of the principal Act, for the figures "2007'', the figures "2008'' shall be substituted

V. K. BHASIN,

Secy. to the Govt. of India.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಆರ್. ಆಂಜಿನಿ,

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಪಿ.ಆರ್. 49

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 31 ಕೇಶಾಪ್ರ 2012, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 31ನೇ ಜುಲೈ, 2012.

2012ನೇ ಸಾಲಿನ ಜೂನ್ 8ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ–II ಸೆಕ್ಷನ್ 1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Anand Marriage (Amendment) Act, 2012 (No. 29 of 2012) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, 8th, June, 2012

The following Act of Parliament received the assent of the President on the 7th June, 2012, and is hereby published for general information :-

THE ANAND MARRIAGE (AMENDMENT) ACT, 2012

(No. 29 of 2012)

[07TH June, 2012].

An Act further to amend the Anand Marriage Act, 1909

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows :-

1. **Short title and commencement .-**(*1*) This Act may be called the Anand Marriage (Amendment) Act, 2012.

(*2*) It shall come into force on such date as the Central Government may, by Notification in the Official Gazette, appoint.

2. Amendment of section 2.-In section 2 of the Anand Marriage Act, 1909(7 of 1909) (hereinafter referred to as the principal Act), after the words ``the Sikh Marriage ceremony called Anand'', the words ``(Commonly known as Anand Karaj)'' shall be inserted.

3. Insertion of new section 6.-After section 5 of the principal Act, the following section shall be inserted, namely :-

"6. Registration of marriages.-(*1*) For the purposes of facilitation of proof of marriage ceremony (commonly known as Anand Karaj) customary among the Sikhs, the State Government shall, without prejudice to anything contained in the Hindu Marriage Act, 1955 (25 of 1955) or any other law for the time being in force, make rules providing that the parties to any such marriage [whether solemnized before or after the commencement of the An and Marriage (Amendment) Act, 2012], may have the particulars relating to their marriage entered, in such manner and subject to such conditions as may be provided in the said rules, in a Marriage Register kept by such officer of the State Government or of a local authority authorized by the State Government, by notification in the Official Gazette, in this behalf.

(*2*) The Marriage Register shall, at all reasonable times, be open for inspection, and shall be admissible as evidence of the statements contained therein and certified extracts there from shall, on an application, be given by the Registrar to the parties to the marriage on payment of such fees as may be provided in the rules.

(*3*) Notwithstanding any thing contained in this section, the validity of any Anand Marriage solemnized shall in no way be affected by the omission to make an entry in the marriage Register.

(*4*) Every rule made by the State Government under this section shall be laid before the State Legislature, as soon as may be, after they are made.

(*5*) The parties to the marriage, whose marriage has been registered under this Act, shall not be required to get their marriage registered under any other law for the time being in force (including State Act).''.

V. K. BHASIN,

Secy. to the Govt. of India.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಆರ್. ಆಂಜಿನಿ,

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಪಿ.ಆರ್. 50

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 32 ಕೇಶಾಪ್ರ 2012, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 31ನೇ ಜುಲೈ, 2012.

2012ನೇ ಸಾಲಿನ ಜೂನ್ 20ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ–II ಸೆಕ್ಷನ್ 1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Right of Children to Free and Compulsory Education (Amendment) Act, 2012 (No. 30 of 2012) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 20th June, 2012

The following Act of Parliament received the assent of the President on the 19th June, 2012, and is hereby published for general information :-

THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION (AMENDMENT) ACT, 2012

(No. 30 of 2012)

[19th June, 2012]

An Act to amend the Right of Children to Free and Compulsory Education Act, 2009

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows :-

1. Short title and commencement.-(*1*) This Act may be called the Right of Children to Free and Compulsory Education (Amendment) Act, 2012.

(*2*) It shall come into force on such date as the Central Government may, by Notification in the Official Gazette, appoint.

2. Amendment of section 1.- In the Right of Children to Free and Compulsory Education Act, 2009 (36 of 2009) (hereinafter referred to as the principal Act), in section 1, after sub-section (3), the following sub-sections shall be inserted, namely :-

"(4) Subject to the provisions of articles 29 and 30 of the Constitution, the provisions of this Act shall apply to conferment of rights on children to free and compulsory education.

(5) Nothing contained in this Act shall apply to Madras as, Vedic Pathsala and educational institutions primarily imparting religious instruction''.

3. Amendment of section 2.-In the principal Act, in section 2,-

(*a)* in clause (d), after the word ''means'', the words ''a child with disability or'' shall be inserted ;

(*b*) after clause (e), the following clause shall be inserted, namely :-

'(*ee*)' ''child with disability'' includes,-

(*A*) a child with ''disability'' as defined in clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 ; (1 of 1996)

(*B*) a child, being a person with disability as defined in clause (j) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 ; (44 of 1999)

(*C*) a child with ``severe disability'' as defined in clause (o) of section 2 of the National Trust for Welfare of persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999. (44 of 1999).

4. Amendment of section 3.-In section 3 of the principal Act,-

(*a*) for sub-section (*1*), the following sub-section shall be substituted, namely :-

(*1*) Every child of the age of six to fourteen years, including a child referred to in clause (d) or clause (e) of section 2, shall have the right to free and compulsory education in a neighborhood school till the completion of his or her elementary education.

(*b*) in sub-section (*2*), the proviso shall be omitted ;

(*c*) after sub-section (*2*), the following sub-section shall be inserted, namely :-

`(*3*) A child with disability referred to in sub-clause (*A*) of clause (*ee*) of section 2 shall, without prejudice to the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, (1 of 1996) and a child referred to in sub-clauses (*B*) and (*C*) of clause (*ee*) of section 2, have the same rights to pursue free and compulsory elementary education which children with disabilities have under the provisions of Chapter V of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 :

Provided that a child with ``multiple disabilities'' referred to in clause (h) and a child with ``severe disability'' referred to in clause (*o*) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 (44 of 1999) may also have the right to opt for home-based education .'.

5. Amendment of section 21.-In section 21 of the principal Act, in sub-section (2), the following proviso shall be inserted, namely:-

``Provided that the School Management Committee constituted under sub-section (*1*) in respect of,-

(a) a school established and administered by minority whether based on religion or language ; and

(b) all other aided schools as defined in sub-section (ii) of clause (n) of section 2,

Shall perform advisory function holy.".

6. Amendment of section 22.- In section 22 of the principal Act, in sub-section (*1*), for the words ``School Management Committee, constituted'', the words ``School Management Committee, except the School Management committee in respect of a school established and administered by minority, whether based on religion or language and an aided school as defined in sub-clause (*ii*) of clause (*n*) of section 2, constituted'' shall be substituted.

7. Amendment of section 25.- In section 25 of the principal Act, in sub-section (*1*), the words ``Within six months'', the words ``Within three years'' shall be substituted.

8. Insertion of new section 39.- After section 38 of the principal Act, the following section shall be inserted, namely :

"39. Power of Central Government to remove difficulties.- (*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary for removing the difficulty :

Provided that no order shall be made under this section after the expiry of three years from the commencement of the Right of Children to Free and Compulsory Education (Amendment) Act, 2012.

(*2*) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament''.

V. K. BHASIN,
Secy. to the Govt. of India.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,
ಆರ್. ಆಂಜಿನಿ,
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಪಿ.ಆರ್. 51

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 34 ಕೇನಿಪ್ರ 2012, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 6–8–2012.

2012ನೇ ಸಾಲಿನ 14–5–2012 ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ–II ಸೆಕ್ಷನ್ 3(ii)ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ S.O. 1063(E).

ದಿನಾಂಕ : 14–5–2012 ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF FINANCE

(Department of Revenue)

Notification

New Delhi, the Monday, May 14, 2012

S.O. 1063(E).- In exercise of the powers conferred by the proviso to sub-section (1) of Section 46 of the Prevention Money-Laundering Act, 2002 (15 of 2003) read with clause (u) of Section 2 and sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (2 of 1974), the Central Government hereby appoints Dr. Shamsuddin, Additional Director (Prosecution) and Head of the Legal Division in the Directorate of Enforcement as Special Public prosecutor for conducting all cases under the Prevention of Money-Laundering Act, 2002 (15 of 2003) throughout India on behalf of the Directorate of Enforcement before all the Special Courts under the Prevention of Money-Laundering Act, 2002 (15 of 2003).

(F.No. C-18016/13/2012-ED)
R.N. SINGH, Under Secretary

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,
ಆರ್. ಆಂಜಿನಿ
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

P.R. 61

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 35 ಕೇನಿಪ್ರ 2012, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 7–8–2012.

2012ನೇ ಸಾಲಿನ 4–5–2012 ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ–II ಸೆಕ್ಷನ್ 3(ii)ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ S.O. 1022(E).

ದಿನಾಂಕ : 04–05–2012 ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF RURAL DEVELOPMENT

Notification

New Delhi, the 4st May, 2012

S.O. 1022(E).- In exercise of the power conferred by sub-section (1) of Section 29 of the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (42 of 2005) (herein referred to as the said Act), the Central Government on being satisfied that it is necessary and expedient so to do, hereby makes the following further amendments to Schedule I and Schedule II to the said Act with effect from the date of publication of this notification in the Official Gazette, namely :-

2. In the said Act, in SCHEDULE I,-

(i) for paragraph 1B, the following paragraph shall be substituted, namely :-

"1B. the focus of the Scheme shall be on the following works and the order of priority shall be determined by each Gram Panchayat in meetings of the Gram Sabha and the Ward Sabha, namely :-

(i) water conservation and water harvesting including contour trenches, contour bunds, boulder checks, gabion structures, underground dykes, earthen dams, stop dams and springshed development;

(ii) drought proofing including afforestation and tree plantation;

(iii) irrigation canals including micro and minor irrigation works;

(iv) provision of irrigation facitlity, dug out farm pond, horticulture, plantation, farm bunding and land development on land owned by households specified in paragraph 1C;

(v) renovation of traditional water bodies including desilting of tanks;

(vi) land development;

(vii) flood control and protection works including drainage in water logged areas including deepening and repairing of flood channels, chaur renovation, construction of storm water drains for coastal protection;

(viii) rural connectivity to provide all weather access, including culverts and roads within a village, wherever necessary;

(ix) construction of Bharat Nirman Rajiv Gandhi Sewa Kendra as Knowledge Resource Centre at the Block level and as Gram Panchayat Bhawan at the Gram Panchayat level;

(x) agriculture related works, such as, NADEP composting, vermin-composting, liquid bio-manures;

(xi) livestock related works, such as, poultry shelter, goat shelter, constructin of pucca floor, urine tank and fodder trough for cattle, azolla as cattle-feed supplement;

(xii) fisheries related works, such as, fisheries in seasonal water bodies on public land;

(xiii) works in coastal areas, such as, fish drying yards, belt vegetation;

(xiv) rural drinking water related works, such as soak pits, recharge pits;

(xv) rural sanitation related works, such as, individual household latrines, school toilet units, anganwadi toilets, solid and liquid waste management;

(xvi) any other work which may be notified by the Central Government in consultation with the State Government;

(ii) after paragraph 1B, the following paragraphs shall be inserted, namely :-

"1C. All activites mentioned in items (iv), (x), (xi) and items (xiii) to (xv) of paragraph 1B shall be allowed on land or homestead owned by households belonging to the Scheduled Castes and the Scheduled Tribes or below poverty line families or the beneficiaries of land reforms or the beneficiaries under the Indira Awas Yojana of the Government of India or that of the small or marginal farmers as defined in the Agriculture Debt Waiver and Debt Relief Scheme, 2008, or the beneficiaries under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007).

ID. The works referred to in iterms (iv), (x), (xi) and items (xiii) to (xv) of paragraph 1B shall be taken up subject to the following conditions, namely :-

(a) the households referred to in paragraph IC shall have the job card; and

(b) the beneficiaries shall work on the project undertaken on their land or homestead." ;

(iii) in paragraph 3, for sub-paragraph (d), the following sub-paragraph shall be substituted, namely :-

"(d) Each muster roll shall have a unique Identity number and be certified by the Programme Officer and shall contain such mandatory information as may be specified by order, by the Central Government",

(iv) paragraph 4 shall be omitted;

(v) for paragraph 5, the following paragraph shall be substituted, namely :-

"5. As part of the Scheme, the State Government shall provide for proper maintenance of the public assets created under the Scheme.",

(vi) Paragraph 6 shall be omitted;

(vii) in paragraph 7, for the words, "when wages are directly linked with the quantity of work, the wages shall be paid", the words, "The State Government shall link the wages with the quantity of work and it shall be paid" shall be substituted;

(viii) in paragraph 8, in sub-paragraph (1), after the words "for nine hours", the words "including an hour of rest" shall be inserted;

(ix) in paragraph 9, after the words 'project costs", the words "at the level of each Gram Panchayat" shall be inserted ;

(x) for the words "Government of India", wherever they occur, the words "Central Government" shall be substituted.

3 .In the said Act, in SCHEDULE II,-

(i) in paragraph 2, in sub-paragraph (1), after items (x), the following item shall be inserted, namely :-

"(xi) Aadhaar number, if issued.",

(ii) in paragraph 14, for the words "such radius", the words "the radius specified in paragraph 12" shall be substituted ;

(iii) for paragraph 15, the following paragraph shall be substituted, namely :-

"15. A period of employment shall be at least continuous fourteen days with not more than six days in a week.",

(iv) in paragraph 31, after the word "shall", the words "unless so exempted" shall be inserted.

[F.No. J-11013/1/2011-MGNREGA-I(Pt.VII)]

D.K. JAIN,

Joint Secretary.

Note 1 : Schedule I of the Mahatma Gandhi Nationa Rural Employment Guarantee Act, 2005 (42 of 2005) was first amended vide number S.O. 323(E), dated the 6th March, 2007, and subsequently amended vide following notification numbers:

1. S.O. 88 (E), dated the 14th January, 2008
2. S.O. 1489(E), dated the 18th June, 2008
3. S.O. 3000(E), dated the 31st December, 2008

4. S.O. 1824(E), dated the 22nd July, 2009
5. S.O. 1860(E), dated the 30th July, 2010
6. S.O. 1484(E), dated the 30th June, 2011
7. S.O. 2202(E), dated the 22nd September, 2011

Note 2 : Schedule II of the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (42 of 2005) was first amended vide number S.O. 324(E), dated the 6th March, 2007, and subsequently amended vide following notification numbers :

1. S.O. 802(E), dated the 2nd April, 2008
2. S.O. 2188(E), dated the 11th September, 2008
3. S.O. 2999(E), dated the 31st December, 2008
4. S.O. 513(E), dated the 19th February, 2009
5. S.O. 2266(E), dated the 30th September, 2011

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,
ಆರ್. ಆಂಜಿನಿ
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

P.R. 62

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 35 ಕೇಶಾಪ್ರ 2012, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 4–8–2012.

2012ನೇ ಸಾಲಿನ 8–6–2012ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ–II ಸೆಕ್ಷನ್ (i) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Copy Right of (Amendment) Act, 2012 (No. 27 of 2012) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 8th June, 2012

The following Act of Parliament received the assent of the President on the 7th June, 2012, and is hereby published for general information :-

THE COPYRIGHT (AMENDMENT) ACT, 2012.

(No. 27 of 2012)

An Act further to amend the Copyright Act, 1957

[7th June, 2012]

Be it enacted by Parliament in the Sixty-third Year of the Republic of India as follows :-

1. Short title and commencement. (1) This Act may be called the Copyright (Amendment) Act, 2012.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Amendment of section 2. - In section 2 of the Copyright Act, 1957 [14 of 1957] (hereinafter referred to as the principal Act),-

(i) in clause (j), the portion beginning with the words "on any medium" and ending with the words "produced by any means" shall be omitted ;

(ii) after clause (f), the following clause shall be inserted, namely :-

"(fa) "commercial rental" does not include the rental, lease or lending of a lawfully acquired copy of a computer programme, sound recording, visual recording or cinematograph film for non-profit purposes by a non-profit library or non-profit educational institution." ;

Explanation.-For the purposes of this clause, a "non-profit library or non-profit educational institution" means a library or educational institution which receives grants from the Government or exempted from payment of tax under the income-tax Act, 1961. (43 of 1961)

(iii) for clause (ff), the following shall be substituted, namely :-

'(ff) "communication to the public" means making any work or performance available for being seen or heard or otherwise enjoyed by the public directly or by any means of display or diffusion other than by issuing physical copies of it, whether simultaneously or at places and times chosen individually, regardless of whether any member of the public actually sees, hears or otherwise enjoys the work or performance so made available.

Explanation.- For the purposes of this clause, communication through satellite or cable or any other means of simultaneous communication to more than one household or place of residence including residential rooms of any hotel or hostel shall be deemed to be communication to the public, ;

(iv) in clause (qq), the following proviso shall be inserted, namely :-

"Provided that in a cinematograph film a person whose performance is casual or incidental in nature and, in the normal course of the practice of the industry, is not acknowledged anywhere including in the credits of the film shall not be treated as a performer except for the purpose of clause (b) of section 38B,".

(v) after clause (x), the following clause shall be inserted, namely :-

'(xa) "Rights Management Information" means,-

(a) the title or other information identifying the work or performance ;

(b) the name of the author or performer;

(c) the name and address of the owner of rights;

(d) terms and conditions regarding the use of the rights; and

(e) any number or code that represents the information referred to in sub-clauses (a) to (d),

but does not include any device or procedure intended to identify the user,' ;

(vi) after clause (xx), the following clause shall be inserted, namely :-

'(xxa) "visual recording" means the recording in any medium, by any method including the storing of it by any electronic means, of moving images or of the representations thereof, from which they can be perceived, reproduced or communicated by any method,' ;

3. Amendment of section 11. - In section 11 of the principal Act,-

(a) in sub-section (1), for the words "not less than two nor more than fourteen other members", the words "two other members" shall be substituted ;

(b) for sub-section (2), the following sub-section shall be substituted, namely :-

"(2) The salaries and allowances payable to and the other terms and conditions of service of the Chairman and other members of the Copyright Board shall be such as may be prescribed :

Provided that neither the salary and allowances nor the other terms and conditions of service of the Chairman or any other member shall be varied to his disadvantage after appointment." ;

(c) for sub-section (4), the following sub-section shall be substituted, namely :-

"(4) The Central Government may, after consultation with the Chairman of the Copyright Board, appoint a Secretary to the Copyright Board and such other offcers and employees as may be considered necessary for the efficient discharge of the furnctions of the Copyright Board."

4. Amendment of section 12.- In section 12 of the principal Act, in sub-section (2), for the words "members, each Bench consisting of not less than three members", the word "members" shall be substituted.

5. Amendment of section 14. - In section 14 of the principal Act, -

(i) in clause (c) for sub-clause (i), the following sub-clause shall be substituted, namely :-

"(i) to reproduce the work in any material form including –

(A) the storing of it in any medium by electronic or other means ; or

(B) depiction in three-dimensions of a two-dimensional work ; or

(C) depiction in two-dimensions of a three-dimensional work," ;

(ii) in clause (d),-

(a) for sub-clause (i), the following sub-clause shall be substituted, namely ;-

"(i) to make a copy of the film, including –

(A) a photograph of any image forming part thereof ; or

(B) storing of it in any medium by electronic or other means ;"

(b) for sub-clause (ii), the following sub-clause shall be substituted, namely,-

"(ii) to sell or give on commercial rental or offer for sale or for such rental, any copy of the film,";

(iii) in clause (e),

(a) in sub-clause (i), after the words "embodying it", the words "including storing of it in any medium by electronic or other means" shall be inserted ;

(b) for sub-clause (ii), the following sub-clause shall be substituted, namely :-

"(ii) to sell or give on commercial rental or offer for sale or for such rental, any copy of the sound recording," ;

6. Amendment of section 15. - In section 15 of the principal Act, for the words and figures, "Designs Act, 1911", wherever they occur, the words and figures "Designs Act, 2000" shall be substituted. (2 of 1911, 15 of 2000)

7. Amendment of section 17. - In section 17 of the principal Act, in clause (e), the following proviso shall be inserted at the end, namely :-

Provided that in case of any work incorporated in a cinematograph work, nothing contained in clauses (b) and (c) shall affect the right of the author in the work referred to in clause (a) of sub-section (1) of section 13," ;

8. Amendment of section 18. - In section 18 of the principal Act, in sub-section (1), after the proviso, the following provisos shall be inserted, namely :-

"Provided further that no such assignment shall be applied to any medium or mode of exploitation of the work which did not exist or was not in commercial use at the time when the assignment was made, unless the assignment specifically referred to such medium or mode of exploitation of the work ;

Provided also that the author of the literary or musical work included in a cinematograph film shall not assign or waive the right to receive royalties to be shared on an equal basis with the assignee of copyright for the utilisation of such work in any form other than for the communication to the public of the work along with the cinematograph film in a cinema half, except to the legal heirs of the authors or to a copyright society for collection and distribution and any agreement to contrary shall be void :

Provided also that the author of the literary or musical work included in the sound recording but not forming part of any cinematograph film shall not assign or waive the right to receive royalties to be shared on an equal basis with the assignee of copyright for any utilisation of such work except to the legal heirs of the authors or to a collecting society for collection and distribution and any assignment to the contrary shall be void."

9. Amendment of section 19.- In section 19 of the principal Act,-

(i) in sub-section (3), for the words "royalty payable, if any", the words "royalty and any other consideration payable" shall be substituted ;

(ii) after sub-section (7), the following sub-sections shall be inserted, namely :-

"(8) The assignament of copyright in any work contrary to the terms and conditions of the rights already assigned to a copyright society in which the author of the work is a member shall be void.

(9) No assignment of copyright in any work to make a cinematograph film shall aftect the right of the author of the work to claim an equal share of royalties and consideration payable in case of utilisation of the work in any form other than for the communication to the public of the work, along with the cinematograph film in a cinema hall.

(10) No assignment of the copyright in any work to make a sound recording which does not form part of any cinematograph film shall affect the right of the author of the work to claim an equal share of royalties and consideration payable for any utilisation of such work in any form."

10. Amendment of section 19A. - In section 19A of the principal Act, -

(i) in sub-section(2), in the second proviso, for the words "Provided further that", the following shall be substituted, namely :-

"Provided further that, pending the disposal of an application for revocation of assignment under this sub-section, the Copyright Board may pass such order, as it deems fit regarding implementation of the terms and conditions of assignment including any consideration to be paid for the enjoyment of the rights assigned :-

Provided also that" ;

(ii) after sub-section (2), the following sub-section shall be inserted, namely :-

"(3) Every complaint received under sub-section (2) shall be dealt with by the Copyright Board as far as possible and efforts shall be made to pass the final order in the matter within a period of six months from the date of receipt of the complaint and any delay in compliance of the same, the Copyright Board shall record the reasons thereof." ;

11. Amendment of section 21. - In section 21 of the principal Act,-

(i) in sub-section (1), for the words "the Registrar of Copyright", the words "the Registrar of Copyrights or by way of public notice" shall be substituted ;

(ii) after sub-section (2), the following sub-section shall be inserted, namely :-

"(2A) The Registrar of Copyright shall, within fourteen days from the publication of the notice in the Official Gazette, post the notice on the official website of the Copyright Office so as to remain in the public domain for a period of not less than three years." ;

12. Amendment of section 22. - In section 22 of the principal Act, the brackets and words "(other than a photograph)" shall be omitted.

13. Omission of section 25.- Section 25 of the principal Act, shall be omitted.

14. Amendment of section 30. - In section 30 of the principal Act, for the words "writing signed by him", the words "writing by him" shall be substituted.

15. Amendment of Section 30A. – In section 30A of the principal Act and in its marginal heading, for the words, figures and letter, "section 19 and 19A", the word and figures "section 19" shall be substituted.

16. Amendment of section 31. – In section 31 of the principal Act,-

(i) in sub-section (1),-

(a) for the words "any Indian work", the words "any work" shall be substituted ;

(b) for the words "licence to the complainant" the words "licence to such person or persons who, in the opinion of the Copyright Board, is or are qualified to do so" shall be substituted ;

(c) the Explanation shall be omitted ;

(ii) sub-section (2) shall be omitted.

17. Amendment of Section 31A. – In section 31A of the Principal Act,–

(i) in the marginal heading, for the words "Indian works", the words "or published works" shall be substituted ;

(ii) for sub-section (1), the following sub-section shall be substituted, namely :-

"(1) Where, in the case of any unpublished work or any work published or communicated to the public and the work is withheld from the public in India, the author is dead or unknown or cannot be traced, or the owner of the copyright in such work cannot be found, any person may apply to the Copyright Board for a licence to publish or communicate to the public such work or a translation thereof in any language."

18. Insertion of new sections 31B, 31C and 31D.- After section 31A of the principal Act, the following sections shall be inserted, namely :-

"31B. Compulsory licence for benefit of disabled.- (1) Any person working for the benefit of persons with disability on a profit basis or for business may apply to the Copyright Board, in such form and manner and accompanied by such fee as may be prescribed, for a compulsory licence to publish any work in which copyright subsists for the benefit of such persons, in a case to which clause (zb) of sub-section (1) of section 52 does not apply and the Copyright Board shall dispose of such application as expeditiously as possible and endeavour shall be made to dispose of such application within a period of two months from the date of receipt of the application.

(2) The Copyright Board may, on receipt of an application under sub-section (1), inquire, or direct such inquiry as it considers necessary to establish the credentials of the applicant and satisfy itself that the application has been made in good faith.

(3) If the Copyright Board is satisfied, after giving to the owners of rights in the work a reasonable opportunity of being heard and after holding such inquiry as it may deem necessary, that a compulsory licence needs to be issued to make the work available to the disabled, it may direct the Registrar of Copyrights to grant to the applicant such a licence to publish the work.

(4) Every compulsory licence issued under this section shall specify the means and format of publication, the period during which the compulsory licence may be exercised and, in the case of issue of copies, the number of copies that may be issued including the rate or royalty :

Provided that where the Copyright Board has issued such a compulsory licence it may, on a further application and after giving reasonable opportunity to the owners of rights, extend the period of such compulsory licence and allow the issue of more copies as it may deem fit.

31C. Statutory licence for cover versions.- (1) Any person desirous of making a cover version, being a sound recording in respect of any literary, dramatic or musical work, where sound recordings of that work have been made by or with the licence or consent of the owner of the right in the work, may do so subject to the provisions of this section ;

Provided that such sound recordings shall be in the same medium as the last recording, unless the medium of the last recording is no longer in current commercial use.

(2) The person making the sound recordings shall give prior notice of his intention to make the sound recordings in the manner as may be prescribed, and provide in advance copies of all covers or labels with which the sound recordings are to be sold, and pay in advance, to the owner of rights in each work royalties in respect of all copies to be made by him, at the rate fixed by the Copyright Board in this behalf.

Provided that such sound recordings shall not be sold or issued in any form of packaging or with any cover or lable which is likely to mislead or confuse the public as to their identity, and in particular shall not contain the name or depict in any way any performer of an earlier sound recording of the same work or any cinematograph film in which such sound recording was incorporated and, further, shall state on the cover that it is a cover version made under this section.

(3) The person making such sound recordings shall not make any alteration in the literary or musical work which has not been made previously by or with the consent of the owner of rights, or which is not technically necessary for the purpose of making the sound recordings :

Provided that such sound recordings shall not be made until the expiration of five calendar years after the end of the year in which the first sound recordings of the work was made.

(4) One royalty in respect of such sound recordings shall be paid for a minimum of fifty thousand copies of each work during each calendar year in which copies of it are made :

Provided that the Copyright Board may, by general order, fix a lower minimum in respect of works in a particular language or dialect having regard to the potential circulation of such works.

(5) The person making such sound recordings shall maintain such registers and books of account in respect thereof, including full details of existing stock as may be prescribed and shall allow the owner of rights or his duly authorised agent or representative to inspect all records and books of account relating to such sound recording ;

Provided that if on a complaint brought before the Copyright Board to the effect that the owner of rights has not been paid in full for any sound recordings purporting to be made in pursuance of this section, the Copyright Board is, prima facie, satisfied that the complaint is genuine, it may pass an order ex parte directing the person making the sound recording to cease from making further copies and, after holding such inquiry as it considers necessary, make such further order as if may deem fit, including an order for payment of royalty.

Explanation.-For the purposes of this section "cover version" means a sound recording made in accordance with this section.

31D. Statutory licence for broadcasting of literary and musical works and sound recording.- (1) Any broadcasting organisation desirous of communicating to the public by way of a broadcast or by way of performance of a literary or musical work and sound recording which has already been published may do so subject to the provisions of this section.

(2) The broadcasting organisation shall give prior notice, in such manner as may be prescribed, of its intention to broadcast the work stating the duration and territorial coverage of the broadcast, and shall pay to the owner of rights in each work royalties in the manner and at the rate fixed by the Copyright Board.

(3) The rates of royalty for radio broadcasting shall be different from television broadcasting and the Copyright Board shall fix separate rates for radio broadcasting and television broadcasting.

(4) In fixing the manner and the rate of royalty under sub-section (2), the Copyright Board may require the broadcasting organisation to pay an advance to the owners of rights.

(5) The names of the authors and the principal performers of the work shall, except in case of the broadcasting organisation communicating such work by way of performance, be announced with the broadcast.

(6) No fresh alteration to any literary or musical work, which is not technically necessary for the purpose of broadcasting, other than shortening the work for convenience of broadcast, shall be made without the consent of the owners of rights.

(7) The broadcasting organisation shall-

(a) maintain such records and books of account, and render to the owners of rights such reports and accourts; and

(b) allow the owner of rights or his duly authorised agent or representative to inspect all records and books of account relating to such broadcast, in such manner as may be prescribed.

(8) Nothing in this section shall affect the operation of any licence issued or any agreement entered into before the commencement of the Copyright (Amendment) Act, 2012 ;

19. Amendment of Section 33.- In section 33 of the principal Act,-

(i) in sub-section (1), for the words "provided further", the following shall be substituted, namely :-

"Provided further that the business of issuing or granting license in respect of literary, dramatic, musical and artistic works incorporated in a cinematograph films or sound recondings shall be carried out only through a copyright society duly registered under this Act :

Provided also",

(ii) after sub-section (3), the following shall be inserted, namely :-

"(3A) The registration granted to a copyright society under sub-section (3) shall be for a period of five years and may be renewed from time to time before the end of every five years on a request in the prescribed form and the Central Government may renew the registration after considering the report of Registrar of Copyrights on the working of the Copyright society under section 36 :

Provided that the renewal of the registration of a copyright society shall be subject to the continued collective control of the copyright society being shared with the authors of works in their capacity as owners of copyright or of the right to receive royalty :

Provided further that every copyright society already registered before the coming into force of the copyright (Amendment) Act, 2012 shall get itself registered under this Chapter within a period of one year from the date of commencement of the Copyright (Amendment) Act, 2012" ;

(iii) In sub-section (4) and (5), for the words "owners of rights", the words "authors and other owners of right" shall be substituted ;

(iv) in sub-section (5), after the word "concerned" the words "or for non-compliance of sections 33A. Sub-section (3) of section 35 and section 36 or any change carried out in the instrument by which the copyright society is established or incorporated and registered by the Central Government without prior notice to it" shall be inserted.

20. Insertion of new section 33A.-After section 33 of the principal Act, the following section shall be inserted, namely :-

"33A.Tariff Scheme by copyright societies- (1) Every copyright society shall publish its tariff scheme in such manner as may be prescribed.

(2)Any person who is aggrieved by the tariff scheme may appeal to the Copyright Board and the Board may, if satisfied after holding such inquiry as it may consider necessary, make such orders as may be required to remove any unreasonable element, anomaly or inconsistency therein :

Provided that the aggrieved person shall pay to the copyright society any fee as may be prescribed that has fallen due before making an appeal to the Copyright Board and shall continue to pay such fee until the appeal is decided, and the Board shall not issue any order staying the collection of such fee pending disposal of the appeal :

Provided further that the Copyright Board may after hearing the parties fix an interim tariff and direct the aggrieved parties to make the payment accordingly pending disposal of the appeal." :

21. Amendment of section 34.- In section 34 of the principal Act, for the words "owner of rights", wherever they occur, the words "author and other owners of right" shall be substituted.

22. Omission of section 34A.- Section 34A of the principal Act shall be omitted.

23. Amendment of section 35.- In section 35 of the principal Act and its marginal heading,-

(a) for the words "owners of rights", wherever they occur, the words "author and other owners of right" shall be substituted ;

(b) after sub-section (2). the following sub-sections shall be inserted, namely :-

(3) Every copyright society shall have a governing body with such number of persons elected from among the members of the society consisting of equal number of authors and owners of work for the purpose of the administration of the society as may be specified.

(4) All members of copyrights society shall enjoy equal membership rights and there shall be no discrimination between authors and owners of rights in the distribution of royalties.

24. Amendment of section 36A.- In section 36A of the principal Act,-

(a) for the words "performing rights society", the words "copyright society" shall be substituted ;

(b) for the words, brackets and figures "the Copyright (Amendment) Act, 1994", (38 of 1994) the words, brackets and figures "the Copyright (Amendment) Act, 2012" shall be substituted.

25. Amendment of section 37.- In section 37 of the principal Act, in sub-section (3), for clause (e), the following clause shall be substituted, namely :-

"(e) sells or gives on commercial rental or offer for sale or for such rental, any such sound recording or visual recording referred to in clause (c) or clause (d)".

26. Amendment of section 38.- In section 38 of the principal Act, sub-sections (3) and (4) shall be omitted.

27. Insertion of new sections 38A and 38B.- After section 38 of the principal Act, the following sections shall be inserted. namely :-

"38A. Exclusive right of performers.- (1) Without prejudice to the rights conferred on authors, the performer's right which is an exclusive right subject to the provisions of this Act to do or authorise for doing any of the following acts in respect of the performance or any substantial part thereof, namely :-

(a) to make a sound recording or a visual recording of the performance, including –

(i) reproduction of it in any material form including the storing of it in any medium by electronic or any other means ;

(ii) issuance of copies of it to the public not being copies already in circulation ;

(iii)communication of it to the public ;

(iv)selling or giving it on commercial rental or offer for sale or for commercial rental any copy of the recording ;

(b) to broadcast or communicate the performance to the public except where the performance is already broadcast.

(2) Once a performer has, by written agreement, consented to the incorporation of his performance in a cinematograph film he shall not, in the absence of any contract to the contrary, object to the enjoyment by the producer of the film of the performer's right in the same film ;

Provided that, notwithstanding anything contained in this sub-section, the performer shall be entitled for royalties in case of making of the performances for commercial use.

38B. Moral rights of the performer.- The performer of a performance shall, independently of his right after assignment, either wholly or partially of his right, have the right,-

(a) to claim to be indentified as the performer of his performance except where omission is dictated by the manner of the use of the performance ; and

(b) to restrain or claim damages in respect of any distortion, mutilation or other modification of his performance that would be prejudicial to his reputation.

Explanation.- For the purposes of this clause, it is hereby clarified that mere removal of any portion of a performance for the purpose of editing, or to fit the recording within a limited duration, or any other modification required for purely technical reasons shall not be deemed to be prejudicial to the performer's reputation.

28. Substitution of a new section for section 39A.- For section 39A of the principal Act, the following section shall be substituted, namely :-

"39A. Certain provisions to apply in case of broadcast reproduction right and performer's rights.- (1) Sections 18,19,30,30A,33,33A,34,35,36,53,55,58,63,64,65,65A,65B and 66 shall, with necessary adaptations and modifica-tions,apply in relation to the broadcast reproduction right in any broadcast and the performer's right in any performance as they apply in relation to copyright in a work :

Provided that where copyright or performer's right subsists in respect of any work or performance that has been broadcast, no licence to reproduce such broadcast, shall be given without the consent of the owner of right or performer, as the case may be, or both of them :

Provided further that the broadcast reproduction right or performer's right shall not subsist in any broadcast or performance if that broadcast or performance is an infringement of the copyright in any work.

(2) The broadcast reproduction right or the performer's right shall not affect the separate copyright in any work in respect of which, the broadcast or the performance, as the case may be, is made.".

29. Amendment of section 40.- In section 40 of the principal Act, in the proviso, in clause (iii) after the words "the order relates" the words "but such a term of copyright shall not exceed the term of copyright provided under this Act" shall be inserted.

30. Amendment of section 40A.- In section 40A of the principal Act, in sub-section (2), in clause (ii), the following proviso shall be inserted, namely :-

"Provided that it does not exceed the period provided under this Act,".

31. Amendment of section 45.- In section 45 of the principal Act, in sub-section (1), in the proviso,-

(i) for the words "relation to any goods", the words "relation to any goods or services" shall be substituted ;

(ii) for the words and figures "section 4 of the Trade and Merchandise Marks Act, 1958" (43 of 1958) the words and figures "section 3 of the Trade Marks Act, 1999" (47 of 1999) shall be substituted.

32. Amendment of section 52.- In section 52 of the principal Act, in sub-section (1),-

(i) for clause (a), the following clause shall be substituted, namely :-

(a) a fair dealing with any work, not being a computer programme, for the purposes of-

(i) private or personal use, including research ;

(ii) criticism or review, whether of that work or of any other work ;

(iii) the reporting of current events and current affairs, including the reporting of a lecture delivered in public.

Explanation.-The storing of any work in any electronic medium for the purposes mentioned in this clause, including the incidental storage of any computer programme which is not itself an infringing copy for the said purposes, shall not constitute infringement of copyright" ;

(ii)for clauses (b),(c),(d),(e),(f),(g),(h), (i) and (j), the following shall be substituted, namely :-

"(b) the transient or incidental storage of a work or performance purely in the technical process of electronic transmission or communication to the public ;

(c) transient or incidental storage of a work or performance for the purpose of providing electronic links, access or integration, where such links, access or integration has not been expressly prohibited by the right holder, unless the person responsible is aware or has reasonable grounds for believing that such storage is of an infringing copy :

Provided that if the person responsible for the storage of the copy has received a written complaint from the owner of copyright in the work, complaining that such transient or incidental storage is an infringement, such person responsible for the storage shall refrain from facilitating such accesss for a period of twenty-one days or till he receives an order from the competent court refraining from facilitating access and in case no such order is received before the expiry of such period of twenty-one days, he may continue to provide the facility of such access ;

(d) the reproduction of any work for the purpose of a judicial proceeding or for the purpose of a report of a judicial proceeding :

(e) the reproduction or publication of any work prepared by the Secretariat of a Legislature or, where the Legislature consists of two Houses, by the Secretariat of either House of the Legislature, exclusively for the use of the members of that Legislature," ;

(f) the reproduction of any work in a certified copy made or supplied in accordance with any law for the time being in force ;

(g) the reading or recitation in public of reasonable extracts from a published literacy or dramatic work ;

(h) the publication in a collection, mainly composed of non-copyright matter, bona fide intended for instructional use, and so described in the title and in any advertisement issued by or on behalf of the publisher, of short passages from published literary or dramatic works, not themselves published for such use in which copyright subsists :

Provided that not more than two such passages from works by the same author are published by the same publisher during any period of five years.

Explanation.- In the case of a work of joint authorship, references in this clause to passages from works shall include references to passages from works by any one or more of the authors of those passages or by any one or more of those authors in collaboration with any other person ;

(i) the reproduction of any work –

(i)by a teacher or a pupil in the course of instruction ; or

(ii)as part of the questions to be answered in an examination ; or

(iii)in answers to such questions ;

(j) the performance, in the course of the activities of an educational institution, of a literary, dramatic or musical work by the staff and students of the institution, or of a cinematograph film or a sound recording if the audience is limited to such staff and students, the parents and guardians of the students and persons connected with the activities of the institution or the communication to such an audience of a cinematograph film or sound recording," ;

(iii) for clause (n), the following clause shall be substituted, namely :-

"(n) the storing of a work in any medium by electronic means by a non-commercial public library, for preservation if the library already possesses a non-digital copy of th work," ;

(iv) in clause (o), for the words "public library", the words, "non-commercial public library" shall be substituted :

(v)after clause (v), the following clause shall be inserted, namely :-

"(w) the making of a three-dimensional object from a two-dimensional artistic work, such as a technical drawing, for the purposes of industrial application of any purely functional part of a useful device ;

(vi) in clause (y), for the words "dramatic or", the words "dramatic, artistic or" shall the substituted ;

(vii) after clause (za) and the Explanation thereunder, the following shall be inserted, namely :-

"(zb) the adaptation, reproduction, issue of copies or communication to the public of any work in any accessible format, by-

(i) any person to facilitate persons with disability to access to works including sharing with any person with disability of such accessible format for private or personal use, educational purpose or research ; or

(ii) any organisation working for the benefit of the persons with disabilities in case the normal format prevents the enjoyment of such works by such persons ;

Provided that the copies of the works in such accessible format are made available to the persons with disabilities on a non-profit basis but to recover only the cost of production :

Provided further that the organisation shall ensure that the copies of works in such accessible format are used only by persons with disabilities and takes reasonable steps to prevent its entry into ordinary channels of business.

Explanation.-For the purposes of this sub-clause, "any organisation" includes and organisation registered under section 12A of the Income-tax Act, 1961 (43 of 1961) and working for the benefit of persons with disability or recognised under Chapter X of the Persons with Disabilities (Equal Opportunities, Protection or Rights and full Participation) Act, 1995 (1 of 1996) or receiving grants fromt he government for facilitating access to persons with disabilities or an educational institution of library or archives recognised by the Government.".

(zc) the importation of copies of any literary or artistic work, such as labels, company logos or promotional or explanatory material, that is purely incidental to other goods or products being imported lawfully".

33. Omission of section 52B.- Section 52B of the principal Act shall be omitted.

34. Substitution of new section for section 53.- For section 53 of the principal Act, the following section shall be substituted, namely :-

"53. Importation of infringing copies.- (1) The owner of any right conferred by this Act in respect of any work or any performance embodied in such work, or his duly authorised agent, may give notice in writing to the Commissioner of Customs, or to any other officer authorised in this behalf by the Central Board of Excise and Customs,-

(a)that he is the owner of the said right, with proof thereof, and

(b)that he requests the Commissioner for a period specified in the notice, which shall not exceed one year, to treat infringing copies of the work as prohibited goods, and that infringing copies of the work are expected to arrive in India at a time and a place specified in the notice.

(2) The Commissioner, after scrutiny of the evidence furnished by the owner of the right and on being satisfied may, subject to the provisions of sub-section (3), treat infringing copies of the work as prohibited goods that have been imported into India, excluding goods in transit ;

Provided that the owner of the work deposits such amount as the Commissioner may require as security having regard to the likely expenses on demurrage, cost of storage and compensation to the importer in case it is found that the works are not infringing copies.

(3) When any goods treated as prohibited under sub-section (2) have been detained, the Customs Officer detaining them shall inform the importer as well as the person who gave notice under sub-section(1) of the detention of such goods within forty-eight hours of their detention.

(4) The Customs Officer shall release the goods, and they shall no longer be treated as prohibited goods, if the person who gave notice under sub-section(1) does not produce any order from a court having jurisdiction as to the temporary or permanent disposal of such goods within fourteen days from the date of their detention.".

35. Amendment of section 55.- In section 55 of the principal Act, in sub-section (2), for the portion beginning with the words "a name purporting to be" and ending with the words "as the case may be, appears", the following shall be substituted, namely :-

"or, subject to the provisions of sub-section (3) of section 13, a cinematograph film or sound recording, a name purporting to be that of the author, or the publisher, as the case may be, of that work, appears".

36. Amendment of section 57.- In section 57 of the principal Act,-

(i) in sub-section (1), in clause (b), the words "which is done before the expiration of the term of copyright" shall be omitted ;

(ii) in sub-section(2), the words "other than the right to claim authorship of the work" shall be omitted.

37. Insertion of new sections 65A and 65B.- After section 65 of the principal Act, the following sections shall be inserted, namely :-

"65A.Protection of technological measures.- (1) Any person who circumvents an effective technological measure applied for the purpose of protecting any of the rights conferred by this Act, with the intention of infringing such rights, shall be punishable with imprisonment which may extend to two years and shall also be liable to fine.

(2) Nothing in sub-section (1) shall prevent any person from,-

(a) doing anything referred to therein for a purpose not expressly prohibited by this Act ;

Provided that any person facilitating circumvention by another person of a technological measure for such a purpose shall maintain a complete record of such other person including his name, address and all relevant particulars necessary to identify him and the purpose for which he has been facilitated ; or

(b) doing anything necessary to conduct encryption research using a lawfully obtained encrypted copy ; or

(c) conducting any ; lawful investigation ; or

(d) doing anything necessary for the purpose of testing the security of a computer system or a computer network with the authorisation of its owner ; or

(e)operator ; or

(f)doing anything necessary to circumvent technological measures intended for identification or surveillance of a user ; or

(g)taking measures necessary in the interest of national security.

65B. Protection of Rights Management information.- Any person, who knowingly,-

(i)removes or alters any rights management information without authority ; or

(ii) distributes, imports for distribution, broadcasts or communicates to the public, without authority, copies of any work, or performance knowing that electronic rights management information has been removed or altered without authority,

Shall be punishable with imprisonment which may extend to two years and shall also be liable to fine :

Provided that if the rights management information has been tampered with in any work, the owner of copyright in such work may also avail of civil remedies provided under Chapter XII against the persons indulging in such acts."

38. Amendment of section 66.- In section 66 of the principal Act, after the words "delivered upto the owner of the copyright", the words "or may make such order as it may deem fit regarding the disposal of such copies or plates" shall be inserted.

39. Amendment of section 78.- In Section 78 of the principal Act, in sub-section (2),-

(i) for clause (a), the following clause shall be substituted, namely:-

(a) the salaries and allowances payable to and the other terms and conditions of service of the chairman and other members of the Copyright Board under sub-section (2) of section 11 ;

"(cA) the form and manner in which an organisation may apply to the Copyright Board for compulsory licence for disabled and the fee which may accompany such application under sub-section (1) of section 31B ;

(cB) the manner in which a person making sound recording may give prior notice of his intention to make sound recording under sub-section (1) of section 31C.

(cC) the register and books of account and the details of existing stock which a person making sound recording may maintain under sub-section (5) of section 31C ;

(cD) the manner in which prior notice may be given by a broadcasting organisation under sub-section (2) of section 31D.

(cE) the reports and accounts which may be maintained under clause (a), and the inspection of records and books of account which may be made under clause (b) of sub-section (7) of section 31D".

(iii)after clause(cc), the following clauses shall be inserted, namely :-

"(ccA) the manner in which a copyright society may publish its Tariff Scheme under sub-section (1) of section 33A.

(ccB) the fee which is to be paid before filing an appeal to the Copyright Board under sub-section (2) of section 33A,"

(ccC) the form of application for renewal of registration of a copyright society and the fee which may accompany such application under sub-section (3A) of section 33 ;

(iv) clause (db) shall be omitted.

V.K. BHASIN,

Secretary to the Govt. of India.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಆರ್. ಆಂಜಿನಿ

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

P.R. 63

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 36 ಕೇನಿಪ್ರ 2012, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 07ನೇ ಆಗಸ್ಟ್, 2012.

2012ನೇ ಸಾಲಿನ 09–05–2012 ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ–II ಸೆಕ್ಷೆನ್ 3(i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ G.S.R. 347(E) ದಿನಾಂಕ: 09–05–2012 ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF COMMERCE AND INDUSTRY

(Department of Industrial Policy and Promotion)

NOTIFICATION

New Delhi, the 9th May, 2012

G.S.R. 347(E).- In exercise of the powers conferred by clause (f) of Sub-Section (1A) of section 28A of the Boilers Act 1923 (5 of 1923), the Central Government hereby makes the following rules further to amend the Boiler Attendants Rules, 2011, namely:-

1. (1) These Rules may be called Boiler Attendants` (Amendment) Rules, 2012.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Boiler Attendants` Rules, 2011, (hereinafter referred to as the said rules), in rule 9, in sub-rule (1) of Hindi version, the word "Central " Shall be omitted.

3. In the said rules, in rule 23, for sub-rule (2), the following sub-rules shall be substituted, namely:-

"(2) A certificate of the Second Class shall qualify the holder thereof to be in-charge of a single boiler with steam pipes of any type, the total heating surface of which does not exceed two hundred square meters.

(2A) A Second Class boiler attendant may, however, attend to a battery of boilers consisting of not more than three connected boilers not exceeding two hundred square meters in aggregate of total heating surface and such boilers shall be situated within a radius of thirty meters in the same premises and belong to one owner.

Provided that boiler attendant shall be assisted by such number of firemen as are considered necessary by the Chief Inspector or Director of Boilers."

4. In the said rules, in rule 24, after sub-rule (2), the following sub-rule shall be inserted, namely:-

" (3) A person holding a certificate as Boiler Attendant issued by an Industrial Training Institute recognized by the Maharashtra State Board of Vocational Examination and having a post qualification experience of not less than one year in the capacity of a Fireman or Operator or an Assistant Fireman or an Assistant Operator on a steam boiler may make an application to the Chairman of the Board in the State of Maharashtra, for endorsement, to have the certificate, equivalent to the Second Class Boiler Attendant Certificate of Competency. "

5. In the said rules, in the rule 31 for sub-rule (b), the following sub-rule shall be substituted, namely:-

"(b) has served for not less than two years, in the capacity of a Fireman or Operator or Pump man or Water man or an Assistant Fireman or Assistant Operator on a steam boiler;"

6. In the said rules, for "Form C", the following Form shall be substituted. namely:-

"Form C

(See Rule 41)

(Second Class Boiler Attendant Certificate of Competency)

(Granted under rule 41 of the Boiler Attendants 'Rules, 2011)

No………………………………….of……………………

Shri ……………………………………………..……………………………. aged about ………..……….. years, at present residing at ……………………………………….. having satisfied the Board of Examiners of his competency to fulfill the duties of Second Class Boiler Attendant, is granted under the Boiler Attendants' Rules, 2011, this certificate of competency as a Second Class Boiler Attendant authorizing him to have charge of a single boiler with steam pipes of any type, the heating surface of which does not exceed 200 square meters. He may, however, attend to a battery of boilers consisting of not more than three connected boilers (not exceeding 200 square meters in aggregate of total heating surface) provided that such boilers shall be situated

within a radius of 30 meters in the same premises and belong to one owner and provided that he is assisted by the number of firemen as are considered necessary by the Chief Inspector of Boilers.

Dated at ………………. this ………………. day of …………………………………….. 20 ……..

Secretary	Chairman
Board of Examiners	Board of Examiner

Description n Roll

PHOTO

1. Date and Place of Birth……………………….
2. Permanent address……………………………
3. Nationality……………………………………...
4. Height (without shoes)………………………….
5. Marks of Identification……………………….
6. Left Thumb impression…………………….

Signature of applicant

Endorsements……………………………….."

[F. No. 6(11)/2009-Boilers]

SHUBHRA SINGH, Jt Secy.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

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ಪಿ.ಆರ್. 64